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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,526	10/16/2003	Shigeru Kurosawa	FQ5-616 KAT.045	3993
21254 7590 07/11/2007 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER ROSARIO, DENNIS	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 07/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/686,526	Applicant(s) KUROSAWA, SHIGERU	
	Examiner Dennis Rosario	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment was received on 4/23/07. Claims 1-20 are pending.

Response to Arguments

2. Applicant's arguments on pages 8 and 9, filed 4/23/07 have been fully considered but they are not persuasive and states:

“...Horri....does not teach...that the display 404 includes a viewfinder that displays the real-time sensed images and that includes a reference frame that indicates a predetermined success rate for character recognition for a character positioned within the reference frame.”

The examiner respectfully disagrees since Horri does disclose the display 404 includes a viewfinder that displays the real-time sensed images (via a “capture” in paragraph [0048], last sentence process that is well known to one of ordinary skill of cameras) and that includes a reference frame (fig. 13C) that indicates a predetermined success rate (fig. 13E: MATCHING FAILED or in fig. 13G: MATCHING SUCCESSFUL are predetermined success rates since the indication of MATCHING FAILED inherently has to be written first in order to be displayed as shown in fig. 13E) for character recognition for a character (fig. 13D) positioned within the reference frame (in other words the 16 pointed star is matched with a five pointed star. Note that the above disagreement is a broad interpretation of the applicant's remarks.

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3. In response to applicant's argument on page 9, line 8, page 19, lines 12 and 19 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "optimal size of characters") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. Applicant's arguments, see page 10, lines 1-4, with respect to the rejection(s) of claim(s) 1-5 and 10-12, under Ouchi et al. (US Patent 6,629,107) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ouchi et al. (US Patent 6,629,107) in view of Miyaza (US Patent 5,566,252).

5. Applicant's arguments, see page 11, lines 21-23 regarding Kubo, with respect to the rejection(s) of claim(s) 6-8 and 17 under Ouchi et al. (US Patent 6,629,107 B1) in view of Kubo (US Patent 6,639,626) have been fully considered but they are not persuasive and states:

"...these references would not have been combined...the references are directed to completely different matters and problems."

The examiner respectfully disagrees based on the following:

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Regarding inquiry 1, the scope and contents of the prior art:

Ouchi et al.'s scope is shown in fig. 3 wherein the content is a recognition system.

Kubo et al.'s scope is figure 1 the content of which is a camera.

Regarding inquiry 2, the differences between the prior art and the claims (claims 6-8 and 17) at issue:

Ouchi's difference between the claims at issue is that Ouchi does not disclose a timer.

Kubo's difference between the claims at issue is none since Kubo teaches claims 6-8 and 17.

Regarding inquiry 3, resolving the level of ordinary skill the pertinent art is based on whether Kubo's timer represented in fig. 1 can be incorporated into the system of Ouchi's fig. 3. The required level of ordinary skill to introduce a camera of Kubo that happens to include a timer to Ouchi's fig. 3 (especially fig. 3:S2:INPUT IMAGE) does

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not require any novel methods to one of ordinary skill in the art of cameras or pattern recognition.

Regarding inquiry 4, considering the objective evidence ("camera shake" on page 19, line 11 of applicant's specification) indicating obviousness (it would have been obvious to a camera user to wait for a camera to stop shaking due to any means to capture a clear picture instead of a blurred image due to shaking of the camera).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1,9,11,13,18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Horii et al. (US Patent Application Publication No.: 2002/0058536 A1).

Regarding claim 1, Horii et al. or Horii discloses a portable communication apparatus comprising:

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a) an image-capturing section (fig. 1C,num. 116) for capturing an image depending on an operation of a shutter key (fig. 1D,num, 113) and for sensing images in real-time;

b) a display:

b1) that includes a viewfinder display

b2) that displays said real-time sensed images and

b3) that includes a reference frame:

b31) that indicates a predetermined success rate for character recognition for a character positioned within the reference frame (see paragraph 2, above, for the new claim limitations); and

c) a character recognition section (fig. 1F,num. 157) for recognizing a character from a captured image.

Regarding claim 9, Horii discloses the portable communication apparatus according to claim 1, further comprising:

a) a program memory (fig. 1F,num. 151) storing a plurality of programs including a mailer program (fig. 7A,num. 514) and a browser program (fig. 7A,num. 508); and

b) a processor (fig. 1F,num. 150) for executing at least one program, wherein:

b1) the processor starts the mailer program when (via the prompts of fig. 7A, numerals. 506-522) a string of the recognized characters represents an e-mail address,

b2) the processor starts the browser program when (via the prompts of fig. 7A, numerals. 506-522) a string of the recognized characters represents a URL (uniform resource locator), and

b3) the processor starts making a call at the phone number when (via the prompts of fig. 7A, numerals. 506-522) a string of the recognized characters represents a phone number.

Regarding claim 11, Horii discloses the portable communication apparatus according to claim 9, further comprising:

a) a memory (fig. 1F,num. 151) storing a plurality of recognition criterion each corresponding to a different type of character string,

b) wherein the character recognition section uses one of the plurality of recognition criterion to recognize a character from the captured image.

Regarding claim 13, Horii discloses a method for recognizing characters in a portable communication apparatus having an image-capturing device and a display, the method comprising:

- a) setting a character-size adjustment indicator (fig. 8A,num. 550) on the display, wherein the character-size adjustment indicator comprises a reference frame having a size which provides a sufficiently high success rate in character recognition (as indicated in fig. 8C,num. 555);
- b) capturing an image (as indicated in fig. 8A: CAPTURE) depending on an operation of a shutter key when a character displayed on the display fits into the reference frame;
- c) recognizing the character within the reference frame from a captured image (as shown in fig. 8C,num. 555); and
- d) displaying (as done in fig. 8C) a recognized character in a predetermined display area on the display.

Regarding claim 18, Horii discloses the method according to claim 13, wherein the capturing of an image comprises:

c.1) storing a plurality of recognition criterion (fig. 7A, numerals 506-522) each corresponding to a different type of character string;

c.2) determining a type of a character string (via the prompts of fig. 7A, numerals 506-522); and

c. 3) recognizing a character within the reference frame based on a recognition criterion corresponding to the determined type of the character string (as done in fig. 8A and 8B).

Claim 19 is rejected the same as claim 9. Thus, argument similar to that presented above for claim 9 is equally applicable to claim 19.

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8. Claims 1-5,10,13-16,18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ouchi et al. (US Patent 6,629,107 B1).

Regarding claim 1, Ouchi discloses a portable communication apparatus comprising:

a) an image-capturing section (fig. 1,num. 1) for capturing an image depending on an operation of a shutter key and for sensing images in real-time;

b) a display (fig. 2,num. 21):

b1) that includes a viewfinder display

b2) that displays said real-time sensed images and

b3) that includes a reference frame:

b31) that indicates a predetermined success rate for character recognition for a character positioned within the reference frame; and

c) a character recognition section (fig. 1,num. 3) for recognizing a character from a captured image.

Regarding claim 2, Ouchi discloses the portable communication apparatus according to claim 1, wherein said display further displays:

a) the captured image,

b) wherein said display further comprises:

b1) a character-size adjustment indicator (fig. 2, num. 29) that includes the reference frame.

Regarding claim 3, Ouchi discloses the portable communication apparatus according to claim 2, wherein the character-size adjustment indicator appears on the display when the portable communication apparatus is set to:

- a) a character recognition mode ("figure input mode" in col. 6, line 48).

Regarding claim 4, Ouchi et al. discloses the portable communication apparatus according to claim 2, wherein the character-size adjustment indicator is:

- a) fixed (as shown in fig. 2,num. 29) on the display when portable communication apparatus is set to a character recognition mode.

Regarding claim 5, Ouchi discloses the portable communication apparatus according to claim 2, wherein the reference frame is a rectangle and is oriented horizontally with respect to the display.

Regarding claim 10, Ouchi discloses the portable communication apparatus according to claim 1, further comprising:

- a) a memory (fig. 3,num. S6) storing a plurality of recognition criterion each corresponding to a different type of character string,
- b) wherein the character recognition section (fig. 3,num. S8) uses one of the plurality of recognition criterion to recognize a character from the captured image.

Regarding claim 13, Ouchi discloses a method for recognizing characters in a portable communication apparatus having an image-capturing device and a display, the method comprising:

- a) setting a character-size adjustment indicator (fig. 4,num. 41) on the display (fig. 2,num. 31), wherein the character-size adjustment indicator comprises:
 - a1) a reference frame having a size (as shown in fig. 4,num. 41) which provides a sufficiently high success rate in character recognition; and
 - b) capturing an image (fig. 1,num. 1) depending on an operation of a shutter key when a character displayed on the display fits into the reference frame;
 - c) displaying a recognized character (as done in fig. 12,num. S24) in a predetermined display area on the display.

Regarding claim 14, Ouchi discloses the method according to claim 13, wherein the capturing of an image comprises:

- c.1) image-processing the captured image (or inputting a "figure" in col. 6, line 34 in "the image" in col. 6, line 40 wherein said the image corresponds to "Input of Image" section in col. 5, line 54 to col. 6, line 12) to produce a processed image;
- c.2) clipping out a portion of the processed image (as shown by the outer areas of fig. 4,num. 41) within the reference frame; and
- c.3) recognizing the character from the clipped portion of the processed image.

Claim 15 is rejected the same as claim 14. Thus, argument similar to that presented above for claim 14 is equally applicable to claim 15.

Regarding claim 16, Ouchi discloses the method according to claim 13, further comprising:

e) repeating capturing an image, recognizing the character, and displaying a recognized character by sequentially selecting portions of a string of characters displayed on the display, each portion including a character which fits into the reference frame, wherein a plurality of recognized characters are displayed on the display by combining the portions in series, each of which includes a recognized character (this limitation is interpreted as a recognition result or words or names or numbers or an address as shown in fig. 9).

Claim 18 is rejected the same as claim 10. Thus, argument similar to that presented above for claim 10 is equally applicable to claim 18.

Claim 20 is rejected the same as claim 13. Thus, argument similar to that presented above for claim 13 is equally applicable to claim 20 except for the additional limitation of a program as is disclosed in Ouchi in fig. 3.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6-8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi et al. (US Patent 6,629,107 B1) in view of Kubo et al. (US Patent 6,639,626 B1).

Regarding claim 6, Ouchi does not disclose claim 6, but teaches "a user...pushes the shutter button....Just then, an indication of input of an image is sent to the digital camera, and the image of the user is taken by the digital camera." in col. 5, line 66 to col. 6, line 4.

In light of Ouchi's teaching, Ouchi suggest or implies a delay since said "indication of input" is sent to the digital camera so that the camera can take an image. However, Ouchi is not clear about what the "indication of input" is and where inside or outside the digital camera "the indication of input" is connected to. Thus, Ouchi suggests to one of ordinary skill in the art of camera to learn about the internal/external characteristics of a camera in order to learn what the "indication of input" is with respect to the shutter button.

Kubo et al. or Kubo teaches the internal characteristics of a camera as shown in fig. 13 that shows said indication of input as shown by the output arrow of fig. 13,num. 74 that is connected to fig. 13,num. 70 as suggested by Ouchi and the remaining limitations of claim 6 of:

a) a timer that delays (fig. 13,num. 75) an image-capturing operation of the image-capturing section by a predetermined time period (also known as "high-speed shutter" in col. 10, line 6) after an operation of the shutter key has been completed.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Ouchi's teaching of said indication of input with Kubo's teaching of fig. 13,numerals 70, 74 and 75 because Kubo teaching is able to "avoid...problems" in col. 10, line 4 associated with a "quickly moving object" in col. 10, lines 2,3.

Regarding claim 7, Kubo of the combination teaches the portable communication apparatus according to claim 6, wherein the predetermined time period (or "shutter speed" in col. 12, line 28) is set through an input device (fig. 8,num. 64) of the portable communication apparatus.

Claims 8 and 17 are rejected the same as claim 6. Thus, argument similar to that presented above for claim 6 is equally applicable to claims 8 and 17.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi et al. (US Patent 6,629,107 B1) in view of Miyaza (US Patent 5,566,252).

Regarding claim 12, Ouchi teaches a data input method in a portable communication apparatus having an image-capturing function of capturing an image, the method comprising:

- a) capturing an image (via a camera as shown in fig. 2) depending on an operation of a shutter key; and
- b) recognizing a character (fig. 3:S8) from a captured image to enter(as indicated upon the input arrows of fig. 3:S9-S12) the character as input data,
- c) wherein said portable communication apparatus comprises:
 - c1) a viewfinder display that displays images (fig. 6) sensed in real-time and
 - c2) a reference frame (fig. 4,num. 41) that indicates a predetermined success rate for character recognition of a character positioned within the reference frame, and
- d) wherein said recognizing a character recognizes a character positioned within said reference frame when said image is captured.

Ouchi does not teach the limitation of a predetermined success rate for character recognition of a character positioned within the reference frame; however, Ouchi teaches a "pattern recog-nition processing technique" in col. 6, lines 55,56, but does not elaborate upon the technique. Thus, Ouchi suggests to one of ordinary skill in the art of pattern recognition to use a character recognition technique with Ouchi's invention.

Miyaza teaches a character recognition technique as suggested by Ouchi and the remaining limitation of:

a) a predetermined success rate (fig. 34: S122) for character recognition of a character positioned within the reference frame.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Ouchi's teaching of pattern recognition with Miyaza's teaching of fig. 34: S122, because Miyaza's teaching can correct unreadable characters so that "the characters are easily read" in col. 32, lines 4,5.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

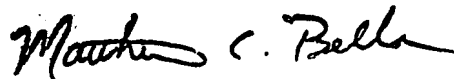
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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario whose telephone number is (571) 272-7397. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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